

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KELLEY JONES,

Plaintiff,

vs.

TODD ENGLISH, et al.,

Defendants.

Case No. 2:11-cv-01893-JCM-PAL

ORDER

(Mtn to Withdraw - Dkt. #18)

This matter is before the court on the Renewed Motion to Withdraw (Dkt. #18) filed February 27, 2012. Gregory E. Smith and Laura J. Thacker of Lionel Sawyer & Collins seek to withdraw as counsel of record for Defendants Todd English, Todd English Enterprises, LLC, and Defendant/Counterplaintiff Simon Todd d/b/a Todd English P.U.B. The Motion represents that Defendants have not paid their legal fees and are \$30,000 in arrears. Counsel contends that continued representation would cause an unreasonable financial burden. In addition, counsel has not been able to obtain evidence from their clients or effectively communicate with them. Local Rule IA 10-6 provides that “no withdrawal . . . shall be approved if delay of discovery, the trial or any hearing in the case would result.” This case was removed to this court on November 23, 2011. Defendants filed an Answer and Counterclaim (Dkt. #13) on January 17, 2012. Formal discovery has not commenced, and the parties’ proposed discovery plan and scheduling order is due March 3, 2012.

IT IS ORDERED:

1. The Motion to Withdraw (Dkt. #18) is GRANTED.
2. Defendant Todd English shall have until **March 28, 2012**, in which to retain new counsel who shall file a notice of appearance in accordance with the Local Rules of Practice or to file a statement that they will proceed pro se.

3. A corporation cannot appear except through counsel. *U.S. v. High Country Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993); *Rowland v. California Men's Colony*, 506 U.S. 194, 201-02 (1993). Therefore, Defendant Todd English Enterprises, LLC, and Defendant/Counterplaintiff Simon Todd, LLC d/b/a Todd English P.U.B. shall have until **March 28, 2012**, in which to retain counsel who shall file a notice of appearance in accordance with the Local Rules of Practice.
4. Failure to comply with this order may result in a recommendation to the District Judge for sanctions, including case-dispositive sanctions.
5. The Clerk of Court shall serve a copy of this Order on the following:
- Todd English
Todd English Enterprises, LLC
1 First Avenue, Suite 206
Charleston, MA 02129
- Simon Todd, LLC d/b/a Todd English P.U.B.
Gina Gargano, Administrative Assistant
Todd English Enterprises, LLC
1 First Avenue, Suite 206
Charleston, MA 02129
- Victor Lee, Corporate Counsel
Todd English Enterprises, LLC
1 First Avenue, Suite 206
Charleston, MA 02129

Dated this 27th day of February, 2012.


PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE